



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2501179
Applicant Name: Gary M. Abrahams for VoiceStream (T-Mobile)
Address of Proposal: 1212 Southwest Holden Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of a minor communication utility (VoiceStream) consisting of a total of three panel antennas place within two support arrays (one sector antenna in one, and two sector antennas in the other array), on the roof of an existing apartment building. Project includes installation of equipment cabinet in the basement laundry room.

The following approvals are required:

Administrative Conditional Use Review - To allow a minor communication utility in a Multifamily Lowrise family zone. Section 23.57.011.C, Seattle Municipal Code

SEPA - Environmental Determination - *Chapter 25.05*, Seattle Municipal Code ("SMC")

SEPA DETERMINATION: ☐ EXEMPT ☒ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition
involving another agency with jurisdiction

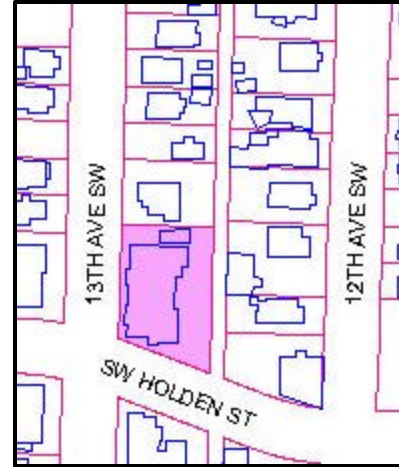
* Early Notice DNS published July 14, 2005

BACKGROUND DATA

Site Location and Description

The subject property is a corner lot located at the northeast corner of the intersection of 13th Avenue Southwest and Southwest Holden Street in West Seattle. The subject site is nearly rectangular in shape and encompasses a land area of approximately 14,177 square feet straddling two zones designations. The site is considered a split zone lot, the structure is located entirely

within Multifamily Lowrise Two, Residential Commercial (L2, RC) zone, with a minimum density requirement of one unit per 1,200 square feet, and a small area in the rear that is within Single Family 5,000 (SF 5000) zone. The site is currently developed with a residential (apartment) use, a two-story building with a daylight basement level. The building was constructed in 1970 and is nonconforming to current land use multifamily development standards. And as such, any new development activity shall not increase the extent of the existing nonconformity. The site is fully developed with the existing building occupying a significant portion of the development site, landscaping and surface parking. The surface parking lot is located between the building's east façade and east property line. An unimproved 16 feet wide gravel alley abuts the subject lot's east property line. The subject lot slopes down moderately from east to west, approximately 12 feet over a distance of 100 feet. 13th Avenue Southwest and Southwest Holden Street frontages are fully improved with concrete sidewalks, curbs, and gutters.



The subject site is located within a small L2, RC zone that is surrounded by an expansive residential area that includes SF 5000 and SF 7200 zones along the east ridge of West Seattle that overlooks an industrial area further east. Zoning designations in the immediate vicinity includes a narrow L-2 band along Southwest Holden Street extending eastwards to Highland Park Way Southwest. Three blocks to the west of the subject site, along Southwest Holden Street at the intersection of 16th Street Southwest a small Neighborhood Commercial One zone with a height limit of 30 feet (NC1-30) is located. Outside these areas Single Family zones dominate the neighborhood. Development in the area includes two churches, a limited number of apartment buildings, and modest one and two-story single family residences.

Proposal Description

A master use permit application proposes to establish use for installation of a minor communication utility (VoiceStream) on the roof of an existing apartment building. Project includes two rooftop antennas (2-Sector) to be located near the south end of the building and one rooftop antenna (1-sector) located at the north end, all encased within a faux chimney shroud compatible with the existing building. The equipment cabinet will be located in a basement laundry room of the building.

The highest portion of the proposed minor utility and screening is proposed to be 37.75 feet above existing grade. The height limit for the L2 RC zone is 25 feet above grade and may extend to 35 feet with a pitched roof that has a minimum slope of 4:12. Approval through an Administrative Conditional Use Permit is required for locating a minor communication utility in a residential zone and for constructing minor communication utilities that exceed the height limit of the zone.

Public Comment

Date of Notice of Application: July 14, 2005
Date End of Comment Period: July 27, 2005*

Letters 2

Issues: Two public comment letters were received by DPD, during comment period. The respondents expressed some concerns covering a range of issues, which included changing the neighborhood character with the installation of a minor communication utility in a residential zoned area. Additionally, view blockage upon adjacent lots with the proposed new rooftop antennas was mentioned, as well as impacts related traffic congestion, and on-street parking. One respondent expressed their concern regarding cumulative traffic and parking impacts within an alley and street system. This project is not expected to adversely impact the areas of concern raised by the comments. After installation of the communication utility one trip per month is anticipated. The second letter addressed impacts related to health, height, and potential interference with electronic devices. These issues will be discussed in the body of this decision.

* The project was originally noticed on July 7, 2005 with an appeal period that extended to July 20, 2005, but was re-noticed due to adequacy of signage information.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multifamily Lowrise Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, meets the development standards of subsection C and the requirements of this section enumerated below:

1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The applicant's plans depict a thoughtful integration of the telecommunication facility into the architectural design of the existing building. By proposing a screening technique that employs a faux chimney surface that is compatible the existing architectural treatment throughout the building's exterior, the applicant has succeeded in designing a cohesive relationship to the existing architectural integrity of the existing building. Architecturally, this screening technique effectively harmonizes with the building's existing façade treatment. The two antenna arrays are proposed to be located on the rooftop, with approximately sixty-seven feet separating each array.

One array containing two antennas to be placed near the south end of the building and the other array with one antenna will be placed near the north end. As viewed from abutting properties the screening casings (faux chimneys) housing the panel antennas, on face appearance will look and appear to function like chimneys. The views from neighboring residential structures would not be altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that the visual intrusion would be minor.

Based on height and location considerations along the ridge within this residential area the site was chosen to maximize coverage to subscribers in a design that would minimize visual intrusion on neighboring properties. Therefore, the three proposed antennas (within two arrays) attached

to the rooftop will be fully screened with materials that will be sympathetic in materials and design to existing roof top features, a condition will be added to cover the cables in a sympathetically designed shroud both on the roof top and upon the buildings façade, thus satisfying this criterion (See applicant's declarations and submitted plans).

The proposed minor communication utility is not likely to result in substantially detrimental compatibility impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely be impacted by the utility, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by the walls of the room in which it is to be located within the apartment building's basement level. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the existing color palette of the existing building. Given these existing conditions and additional camouflaging screening techniques of the antennas encased within shroud covers resembling façade materials to match the surface of the facade, and the location of the associated equipment cabinet within the basement, the proposed minor communications utility would be minimally obtrusive and not detrimental to the residential streetscape character along Southwest Holden Street and 13th Avenue Southwest.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of a faux chimney exterior shell. It is designed to resemble the existing treatments on the structure's façade and be in keeping with other roof features in order to screen and camouflage the antenna location. The proposed faux form like screening of the antennas and related equipment would blend with the color of the building and is a condition of approval of this permit. The associated cabinet equipment will be located in the existing retrofitted laundry room within the basement level and shall pose no impacts to neighboring properties. The equipment cabinet will be placed within a fabric chain linked fence. The fence will be conditioned to visually screen the equipment cabinet(s) from the activities associated with the laundry room.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

a. *the antenna is at least one hundred feet (100') from a MIO boundary; and*

- b. the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

- 4. If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant's RF engineer has provided evidence (Letter from Adrian Moraru, (RF) Engineer, and dated May 23, 2005) that the proposed antenna height, 13 feet above the top of roof, is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. Therefore, the proposal complies with this criterion.

The proposed antennas will be located on the rooftop of the existing building. The proposed minor communication facility extending approximately 13 feet above the roof top would be taller than the base height limit for multifamily zones. However, the additional height may be granted through an administrative conditional use permit.

Due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The strict application of the height limit would preclude the applicant from providing wireless services for the intended coverage area, which extends north towards Southwest Holly Street, west to 23rd Avenue Southwest, south to Southwest Sullivan Street, and east towards Highland Park Way Southwest. The site was chosen because of its elevation and location which is uniquely suited to serve the adjoining residential areas. No commercial properties were identified with sufficient elevation height to provide the coverage needed to meet the service objectives. Locations around the intersections of Southwest Holden and 16th Avenue, and Southwest Holden and 13th Avenue were also considered including power poles. However, these sites were deemed inadequate to meet the parameters to meet optimum levels of service. The additional height above the underlying zone height development standard is the minimum required to obtain sufficient coverage. The additional increase in bulk, view blockage and shadow impacts are not anticipated from the extra 13 feet extension of the proposed antennas.

Other options were explored that included locating the utility within a NC1-30 zone which was later abandoned for inadequate coverage due in part to an elevation disparity of approximately 40 feet. Attaching the minor communication utility to City Light power poles in the NC1-30 zone was also explored but faced similar problems. The coverage area is targeted to improve reception for the areas residential single family zones. The applicant secured a location to reach its targeted area, at a height to maximize its coverage parameters. No nonresidential use could be found in the area on private property, nor within the ROW on power poles. According to the applicant, the literal interpretation and strict application of the Land Use Code would be that T-Mobile could not meet its federal mandate of its FCC license to provide high speed wireless internet access throughout the Seattle metropolitan area. This proposal site at this elevation is a vital link in the planned network for the Seattle Metropolitan area. Given these alternatives, the height limit extension is a minimal impact. Thus, this criterion is satisfied.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Multifamily Lowrise zone, which is above the height limit of the underlying zone, is **CONDITIONALLY APPROVED**.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Gary Abrahams dated May 23, 2005. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve*

sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

Short-Term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio

frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

The owner(s) and/or responsible party(s) shall:

1. Revise plans to document exterior color palette for proposed shroud screening of the antennas, cables, and related equipment to blend with the color of the building. This shall be to the satisfaction of the Land Use Planner.
2. Revise plans to detail attractive visual screening fence within the laundry room. This shall be to the satisfaction of the Land Use Planner.

Land Use Code Requirement (Non - Appealable) Prior to Issuance of Master Use Permit

3. The owner(s) and/or responsible party(s) shall provide access and signage in accord with Section 23.57.010E4 which restrict access to minor communications utilities to authorized personnel. This shall be to the satisfaction of the Land Use Planner.

SEPA CONDITIONS

During Construction: The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: _____ (signature on file) Date: October 13, 2005
Bradley Wilburn, Land Use Planner
Department of Planning and Development

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